



DEBRA BOWEN | SECRETARY OF STATE | STATE OF CALIFORNIA

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January 29, 2007

Ms. Lori Collins
State Certification Manager
Election Systems and Software
11208 John Galt Boulevard
Omaha, NE 68137

Subject: Application for administrative approval of modifications to the InkaVote Plus Precinct Ballot Counter Voting System

Dear Ms. Collins:

I have received your application for approval of modifications to the InkaVote Plus Precinct Ballot Counter Voting System dated December 19, 2006.

The application seeks approval to modify the Precinct Ballot Counter (PBC) open file limit within its Linux operating system. The application also seeks approval to use three proprietary utilities to deploy the proposed modification to the PBCs: Software Checker, Software Loader and Scripter. The proposed versions of these utilities have not been reviewed to the Federal 2002 Voting System Standards by an Election Assistance Commission (EAC) accredited Voting Systems Testing Laboratory (VSTL).

I am denying your application for the following reasons:

- The application proposes changes beyond the normal scope for administrative approval without federal qualification and state examination; and
- The application fails to demonstrate or provide any evidence that an emergency exists which would justify introducing proprietary software code that has not been federally qualified to the Voting System Standards.

I would also like to caution you that in accordance with Section 19213 of the California Elections Code, ES&S is prohibited from making the proposed changes to any of its systems and equipment sold in California or used in any California elections. Introduction of any such changes would be subject to any or all of the remedies set forth in Sections 19214 through 19215 of the Elections Code.

Lori Collins
Application For Approval Of Modification To InkaVote Plus System
January 29, 2007

ES&S is welcome to submit an application for reconsideration of its proposed software changes to the InkaVote Plus Precinct Ballot Counter Voting System once those changes have completed federal review and qualification to the Voting System Standards. Please be sure to allow sufficient time for full state examination, testing and certification prior to any anticipated deployment for an election.

Please feel free to contact my office at (916) 653-7244 if you have any further questions about this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra Bowen". The signature is fluid and cursive, with the first name "Debra" and last name "Bowen" clearly distinguishable.

Debra Bowen
Secretary of State

DB:elg:es